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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,862	11/17/2005	John R Ramun	2005-051265	7887

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EXAMINER

FRANCIS, FAYE

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,862

Applicant(s)

RAMUN ET AL.

Examiner

Faye Francis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34 is/are allowed.
- 6) ☒ Claim(s) 1-2, 8-33 is/are rejected.
- 7) ☐ Claim(s) 3-7, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/29/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-7, 28 and 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 2: the claim language is confusing since it is not clear whether "a plurality of tool attachments" in line 2 is the same plurality of tool attachments as in line 6 of claim 1 from which claim 2 depends or is an additional one. Additionally, regarding "may be" in line 2, it makes the claim language confusing since it is not clear if applicant is claiming the feature that follows this phrase or not.

With respect to claim 6: lines 4-5 are confusing since all that the applicant considers to be encompassed cannot be determined

With respect to claim 35: the scope of the claim is unclear because of the improper use of Markush therein.

Several expressions recited in the claims lack sufficient antecedent bases. For example only, the phrase "the tool attachment" in line 2 of claim 4 lacks proper antecedent basis. In another example only, the phrase "the tool attachment" of claim 5 also lacks proper antecedent basis. In yet another example only, the phrase "the plurality of fasteners" in line 2 of claim 28 lacks proper antecedent basis. In a fourth example only, note the expression "the tool attachment" in line 8 and "the tool

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attachment " in last line of claim 36. These expressions make it difficult to determine what is or not in the claims. Accordingly the applicant is requested to review all of the claims for the purpose of making corrections wherever appropriate but not specifically pointed to, in order to provide appropriate antecedents and to ensure consistency in the numbers of specific elements recited in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 8-23, 26 and 28-33 are rejected under 35 U.S.C. 102(b) as being anticipated by LaBounty et al [6,061,911], hereinafter LaBounty.

LaBounty discloses in Figs 1-10, a multiple tool attachment system for demolition equipment comprising; an adapter 18 for coupling the system to existing demolition equipment; a body 26 coupled to the adapter; a pair of jaws 12 and 14 coupled to the body, at least one of the jaws being pivotable, and each jaw having a tool carrier 22 and 48 extending to the end of each jaw; and a plurality of tool attachments 34 and 112 selectively attachable to each tool carrier for forming distinct tool units. Additionally, insofar as the applicant has claimed the system can be considered to include a wood shear attachment or iron/rail cracker or a grapple attachment.

5. Claims 1-2, 8-16, 18-23, 26 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Re.35, 432.

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Re.35, 432 discloses in Figs 1-12, a multiple tool attachment system for demolition equipment comprising; an adapter 17 for coupling the system to existing demolition equipment; a body 14 coupled to the adapter; a pair of jaws 10 coupled to the body, at least one of the jaws being pivotable, and each jaw having a tool carrier 23 extending to the end of each jaw; and a plurality of tool attachments and selectively attachable to each tool carrier for forming distinct tool units. Additionally, insofar as the applicant has claimed the system can be considered to include a wood shear attachment or iron/rail cracker or a grapple attachment [Figs 2-9, col7 lines 1-5 and 18-45].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 103 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaBounty.

Any remaining limitations not disclosed in the reference would then have been obvious design choice depending on the intended debris or work product, as they solve no stated problem and of no patentable merit [For example see specification page 6 last paragraph].

8. Claims 17, 24-25 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Re.35,432.

Any remaining limitations not disclosed in the reference would then have been obvious design choice depending on the intended debris or work product, as they solve no stated problem and of no patentable merit [For example see specification page 6 last paragraph].

Allowable Subject Matter

9. Claim 34 allowed.
10. Claims 3-7, 27 and 35-36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 571-272-4423. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faye Francis/
Primary Examiner
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FF